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September 29, 2003

The Honorable Michael K. Powell  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**RE: Notice of Written Ex Parte Presentation**

In the Matter of Appropriate Framework for Broadband Access to the Internet over Wireline Facilities, CC Docket No. 02-33

Universal Service Obligations of Broadband Providers, CC Docket No. 02-33

Computer III Further Remand Proceedings: Bell Operating Company Provision of Enhanced Services; 1998 Biennial Regulatory Review – Review of Computer III and ONA Safeguards and Requirements, CC Dockets Nos. 95-20, 98-10

Appropriate Regulatory Treatment for Broadband Access to the Internet over Cable Facilities, CS Docket No. 02-52

Dear Chairman Powell:

The purpose of this correspondence is to convey SBC's support for the High Tech Broadband Coalition's (HTBC) September 25, 2003 written ex parte filed in the aforementioned proceedings. In its filing, HTBC sets forth "*Principles for Consumer Connectivity to Cable and Wireline Broadband Facilities and ISP Access to Wireline Broadband Facilities.*"

Early last year the FCC released NPRMs related to broadband Internet access over wireline and cable facilities. These proceedings were launched for the purpose of developing the appropriate legal and policy framework for broadband access to the Internet. SBC agrees with the Commission's statements expressed in the wireline proceeding:

*"It is widely believed that ubiquitous broadband deployment will bring valuable new services to consumers, stimulate economic activity, improve national productivity, and advance economic opportunity for the American public. The promise of broadband generally and proliferation of broadband Internet access services specifically, are fostering the creation, adoption and use of multimedia applications that can meet consumers' broad communications, entertainment, information, and commercial needs and desires. These factors demand that the Commission develop general principles and policy goals that form the foundation of our broadband policy making."<sup>1</sup>*

<sup>1</sup> CC Docket No. 02-33, "Appropriate Framework for Broadband Access to the Internet over Wireline Facilities," pgs. 2-3.

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SBC has consistently advocated in the wireline and cable modem NRPMs that it is appropriate for the Commission to establish a minimal regulatory environment for broadband based on a functional approach that strives to be consistent across platforms. Accordingly, SBC supports HTBC's "*Broadband Principles for Consumer Connectivity*" applicable to both wireline and cable providers.<sup>2</sup> Furthermore, SBC will commit to the "*ISP Access*" safe harbor requirements delineated in HTBC's ex parte.<sup>3</sup> SBC also supports the following additional points expressed by HTBC:

- The FCC should adopt its tentative conclusion that wireline broadband Internet access services are Title I services that should be subject only to minimal regulation.
- Broadband providers should be permitted to offer a transport service separate from Internet access on a private carriage basis under Title I.
- The Commission should allow the market for wireline broadband services to develop free from Computer Inquiry rules.

SBC fully supports and agrees with HTBC's advocacy that the nation and its economy need a public policy that enhances broadband investment, competition and growth. Commission adoption of HTBC's principles will assist in accomplishing this worthwhile and necessary objective.

Pursuant to Section 1.1206(b) of the Commission's Rules, an electronic copy of this letter is being submitted to the Secretary's Office and those listed below. We would welcome the opportunity to address any questions that you or your staff might have.

Respectfully submitted,



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<sup>2</sup> A critical element contained within these principles is the fact that no regulations are currently necessary. If regulations are deemed necessary in the future, then they must apply equally to cable and wireline providers.

<sup>3</sup> SBC is already on the record in CC Docket No. 02-33 in support of the ability to enter into commercial arrangements with ISPs. See the *United States Internet Industry Association (USIIA) and SBC's Memorandum of Understanding* filed May 3, 2002.

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CC: Marlene H. Dortch, Secretary  
Commissioner Kathleen Q. Abernathy  
Commissioner Jonathan S. Adelstein  
Commissioner Michael J. Copps  
Commissioner Kevin J. Martin  
Kenneth Ferree, Chief Mass Media Bureau  
William Maher, Chief Wireline Competition Bureau  
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